

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ANGEL DOMENECH,

Plaintiff,

v.

9:09-CV-162
(FJS/DEP)

JUSTIN TAYLOR, Superintendent, Gouverneur
Correctional Facility; MR. BATEMAN,
Medical Administrator, Gouverneur Correctional
Facility; V. STONE, R.N. , #211, Gouverneur
Correctional Facility; STRUTZ, Dr., Gouverneur
Correctional Facility; P. SALISBURY, Gouverneur
Correctional Facility; and D. CONGELTON, R.N.
#223, Gouverneur Correctional Facility,

Defendants.

APPEARANCES

OF COUNSEL

ANGEL DOMENECH
99-A-3060

Greene County Correctional Facility
P.O. Box 975
Coxsackie, New York 12051
Attorneys for Plaintiff *pro se*

OFFICE OF THE NEW YORK STATE
ATTORNEY GENERAL

The Capitol
Albany, New York 12224
Attorneys for Defendants

JAMES SEAMAN, AAG

SCULLIN, Senior Judge

ORDER

In a Report and Recommendation dated September 8, 2010, Magistrate Judge Peebles recommended that the Court deny Plaintiff's motion for partial summary judgment, grant Defendants' motions for summary judgment and dismiss the amended complaint. *See* Dkt. No.

49. Plaintiff filed objections to the Report and Recommendation, essentially raising the same arguments that he presented to Magistrate Judge Peebles. *See* Dkt. No. 50.

When a party files specific objections to a magistrate judge's report-recommendation, the district court makes a "*de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). However, when a party files "[g]eneral or conclusory objections or objections which merely recite the same arguments [that he presented] to the magistrate judge," the court reviews those recommendations for clear error. *O'Diah v. Mawhir*, No. 9:08-CV-322, 2011 WL 933846, *1 (N.D.N.Y. Mar. 16, 2011) (citations and footnote omitted). After the appropriate review, "the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1).

Despite the conclusory nature of most of Plaintiff's objections, the Court has reviewed the record *de novo* in light of the issues that Plaintiff raised in those objections. Having completed that review, the Court finds his objections to be without merit.

Accordingly, the Court hereby

ORDERS that Magistrate Judge Peebles' September 8, 2010 Report and Recommendation is **ACCEPTED** in its entirety for the reasons stated therein; and the Court further

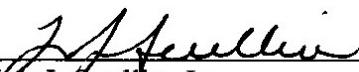
ORDERS that Plaintiff's motion for partial summary judgment is **DENIED**; and the Court further

ORDERS that Defendants' motion for summary judgment is **GRANTED** and Plaintiff's amended complaint is **DISMISSED**; and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Defendants and close this case.

IT IS SO ORDERED.

Dated: March 31, 2011
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge